

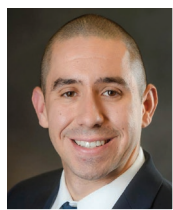
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NAFTA Watch



Updates from Benesch on the North American Free Trade Agreement

NAFTA Watch Vol. 16 The “Sunset” of Negotiations?



Kevin Capuzzi



John Gentile

This publication is our sixteenth installment in a series designed to provide our clients in the manufacturing, transportation and logistics, and related industries with monthly updates on any actions taken by the Trump Administration, Congress, and/or federal governmental agencies with respect to the North American Free Trade Agreement (“NAFTA”).

Negotiations among Mexico, Canada, and the United States in the month of May were the proverbial rollercoaster ride of the highs and lows that we have become all too accustomed to in these prolonged negotiations. In just a matter of days, the parties seemed to be on the path to an agreement—so much so that the leaders of the three countries planned an in-person meeting in Washington. Days later, however, heavy-handed negotiating by the United

States appears to have backfired and NAFTA may be on the brink of collapse.

It was reported last week that Canadian Prime Minister Trudeau apparently believed that negotiations were going so well that he planned an in-person summit with President Trump and Mexican President Pena Nieto in Washington. The goal of that summit being to finalize a new NAFTA. That changed rapidly, however, when Trudeau received a surprise call from Vice President Pence.

On Tuesday, Pence called Trudeau, and it is reported that he conditioned the Washington summit on Canada and Mexico agreeing to a five-year sunset clause. As explained in our prior newsletters, such a clause would effectively require the three parties to renew NAFTA every five years. If not renewed, the trade agreement would automatically terminate. Like Canada and Mexico, the majority of the business community reportedly opposes a sunset clause as it would inject uncertainty into the market, effectively transforming the 20-plus-year agreement into a short-term trade pact. Unable to agree to that condition, Trudeau abruptly cancelled his planned trip to Washington.

Then, on Thursday, whether in reaction to the cancelled summit or as a hardball negotiation tactic, Trump unexpectedly slapped steel and aluminum tariffs on Canada and Mexico, thus further incensing the countries and complicating NAFTA talks. With the three countries now seemingly farther apart than ever on the future of NAFTA—together with the arduous timeline it will take for Congress to approve a modified NAFTA (should a deal ever be reached)—it is becoming increasingly unlikely that a NAFTA deal will be approved this year. But if the last two weeks of this roller coaster ride have taught us anything, it is not to jump to conclusions too quickly (just like the on-again-off-again North Korean summit). As we know, the roller coaster ride could end at any time (or with any tweet).

Benesch will continue to monitor negotiations to provide monthly updates to our clients in the manufacturing, transportation and logistics, and related industries of any developments.

For more information

Contact **KEVIN CAPUZZI** at kcapuzzi@beneschlaw.com or (302) 442-7063, or **JOHN GENTILE** at jgentile@beneschlaw.com or (302) 442-7071.

KEVIN CAPUZZI is an associate with the firm's Litigation, Insolvency & Creditors' Rights, and Transportation & Logistics Practice Groups. He practices in the firm's Wilmington, DE and Hackensack, NJ offices. His practice includes advising and representing motor carriers and third party logistics providers in all stages of litigation in federal and state court matters. Kevin also has extensive experience representing parties in bankruptcy court proceedings, including defending motor carriers and third party logistics providers in avoidance action litigation and navigating unique claims and related issues arising in Chapter 7, 11, and 15 bankruptcies.

JOHN GENTILE is an associate in Benesch's Litigation and Transportation & Logistics Practice Group. He focuses his practice primarily on commercial litigation in state and federal courts. He is an experienced case manager responsible for all duties from pleadings to trial. John's experience in the transportation and logistics area focuses on representing motor carriers, third party logistics providers, ocean transportation intermediaries, national shippers and private corporations.

Additional Information

For additional information, please contact:

Transportation & Logistics Practice Group

Michael J. Barrie at (302) 442-7068 or mbarrie@beneschlaw.com
Marc S. Blubaugh at (614) 223-9382 or mblubaugh@beneschlaw.com
Kevin M. Capuzzi at (302) 442-7063 or kcapuzzi@beneschlaw.com
John C. Gentile at (302) 442-7071 or jgentile@beneschlaw.com
Matthew D. Gurbach at (216) 363-4413 or mgurbach@beneschlaw.com
Jennifer R. Hoover at (302) 442-7006 or jhoover@beneschlaw.com
Thomas B. Kern at (614) 223-9369 or tkern@beneschlaw.com
David M. Krueger at (216) 363-4683 or dkrueger@beneschlaw.com
Andi M. Metzel at (317) 685-6159 or ametzel@beneschlaw.com
Michael J. Mozes at (614) 223-9376 or mmozses@beneschlaw.com
Kelly E. Mulrane at (614) 223-9318 or kmulrane@beneschlaw.com
Lianzhong Pan at (86 21) 3222-0388 or lpan@beneschlaw.com
Martha J. Payne at (541) 764-2859 or mpayne@beneschlaw.com
Stephanie S. Penninger at (312) 212-4981 or spenninger@beneschlaw.com
Joel R. Pentz at (216) 363-4618 or jpentz@beneschlaw.com
Richard A. Plewacki at (216) 363-4159 or rplewacki@beneschlaw.com
Matthew J. Selby at (216) 363-4458 or mselecty@beneschlaw.com
Peter K. Shelton at (216) 363-4169 or pshelton@beneschlaw.com
Verlyn Suderman at (312) 212-4962 or vsuderman@beneschlaw.com
Clare R. Taft at (216) 363-4435 or ctaft@beneschlaw.com
Jonathan Todd at (216) 363-4658 or jtodd@beneschlaw.com
Joseph P. Yonadi, Jr. at (216) 363-4493 or jyonadi@beneschlaw.com
Eric L. Zalud at (216) 363-4178 or ezalud@beneschlaw.com

Labor & Employment Practice Group

W. Eric Baisden at (216) 363-4676 or ebaisden@beneschlaw.com
Maynard Buck at (216) 363-4694 or mbuck@beneschlaw.com
Joseph Gross at (216) 363-4163 or jgross@beneschlaw.com
Rick Hepp at (216) 363-4657 or rhepp@beneschlaw.com
Peter Kirsanow at (216) 363-4481 or pkirsanow@beneschlaw.com

www.beneschlaw.com

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